

Appendix B: California Housing Element Requirements and Where Addressed

This appendix summarizes California Housing Element Law requirements. The sections in [brackets] following the summary text refer to sections in this Housing Element that address the State requirement.

PUBLIC PARTICIPATION

- 1 Demonstrate a diligent effort to achieve public participation of all economic segments of the community. (GC 65588(c)) [Section 1.6]
- 2 Description of how public input was or will be incorporated in the element. (GC 65588(c)). [Section 1.6]

RHNA ACCOMPLISHMENTS FROM LAST CYCLE

- 3 **Effectiveness of the Element.** A review of the actual results of the previous element's goals, objectives, policies, and programs, quantified where possible. (GC 65588(a)(2)) [Sections 1.3 and 4.1, Appendix A]
- 4 **Progress in Implementation.** An analysis of the significant differences between what was planned in the previous element and what was achieved. (GC 65588(a)(3)) [Sections 1.3 and 4.1, Appendix A]
- 5 **Appropriateness of Goals and Programs.** A description of how the goals, objectives, policies and programs of the updated element incorporate what has been learned from the results of the previous element. (GC 65588(a)(3)) [Appendix A]

EXISTING HOUSING NEEDS

- 6 **Population, Employment, and Household Characteristics.** Government Code Section 65583(a) requires "An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs". This assessment includes an analysis of population and employment trends (GC 65583 (a)(1)) and household characteristics (GC 65583 (a)(2)). [Sections 2.1, 2.3, 2.4, and 2.9]
- 7 **Overpayment and Overcrowding.** Government Code Section 65583(a) requires "...an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition", (GC 65583 (a)(2)). [Sections 2.4 and 2.5]
- 8 **Extremely-Low Income Households' Housing Needs.** Government Code Section 65583(a) requires "Documentation of projections and a quantification of the locality's existing and projected housing needs for all income levels, including extremely-low income households (GC 65583 (a)(1))". [Section 2.4]
- 9 **Housing Stock Characteristics.** Government Code Section 65583(a) requires an analysis and documentation of household characteristics, including level of payment compared to ability

to pay, housing characteristics, including overcrowding, and housing stock condition, (Section 65583 (a)(2)). [Section 2.5]

- 10 **Identification and Analysis of Developments At-Risk of Conversion.** Pursuant to Government Code Section 65583, subdivision (a), paragraph (8), this sub-section should include an analysis of existing assisted housing developments (as defined by the statute) that are eligible to change from low-income housing uses during the next ten years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. [Sections 2.6 and 4.1]
- 11 **Opportunities for Energy Conservation.** Government Code Section 65583(a)(7) requires “an assessment of housing needs and inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include the following: An analysis of opportunities for energy conservation with respect to residential development.” [Section 2.7 and 5.2, Goal 4 Programs]

SPECIAL HOUSING NEEDS

- 12 **Persons with Special Housing Needs.** Government Code Section 65583(a)(7)) requires “An analysis of any special housing needs, such as those of the elderly, persons with disabilities, large families, farmworkers, families with female heads of households, and families and persons in need of emergency shelter...” [Section 2.6]

PROJECTED HOUSING NEEDS

- 13 **Regional Housing Needs Allocation.** The element shall contain an analysis of population and employment trends and documentation of projections and quantification of the locality’s existing and projected housing needs for all income levels. These projected needs shall include the locality’s share of the regional housing need in accordance with Section 65584 (Government Code Section 65583(a)(1)). [Section 2.8]

SITES INVENTORY AND ANALYSIS

- 14 **Inventory of Land Suitable for Residential Development.** Government Code Section 65583(a)(3) requires local governments to prepare an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites. The inventory of land suitable for residential development shall be used to identify sites that can be developed for housing within the planning period (Section 65583.2). [Section 4.4]
- 15 **Environmental Constraints and Adequate Infrastructure Capacity.** Government Code Section 65583.2(b)(4) requires a general description of any environmental constraints to the development of housing within the jurisdiction, the documentation for which has been made available to the jurisdiction. This information need not be identified on a site-specific basis. [Section 3.3]
- 16 **Realistic Development Capacity.** Government Code Section 65583.2(c) requires, as part of the analysis of available sites, a local government to demonstrate the projected residential development capacity of the sites identified in the housing element can realistically be achieved. Based on the information provided in subdivision (b), a city or county shall determine whether each site in the inventory can accommodate some portion of its share of the regional housing need by income level during the planning period, as determined

pursuant to Section 65584. The number of units calculated shall be adjusted as necessary, based on the land use controls and site improvements requirement identified in paragraph (4) of subdivision (a) of Section 65583. [Section 4.4]

- 17 **Analysis of Non-Vacant and Underutilized Sites.** The inventory sites that have potential for residential developed can include non-vacant and underutilized sites (Section 65583.2(b)(3)). The element must include an explanation of the methodology for determining the realistic buildout potential of these sites within the planning period (Section 65583.2(g)). [Section 4.4]
- 18 **Zoning Appropriate to Accommodate the Development of Housing Affordable to Lower-Income Households.** The densities of sites identified in the inventory must be sufficient to encourage and facilitate the development of housing affordable to lower-income households (Section 65583.2(c)(3)(A) &(B)). [Section 4.3]
- 19 **Zoning for Emergency Shelters and Transitional Housing.** Government Code Section 65583(a)(4) and requires the identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelters identified in paragraph (7) of Government Code Section 65583(a), except that each local government shall identify a zone or zones that can accommodate at least one year-round emergency shelter. Government Code Section 65583(c)(1) requires “As part of the analysis of available sites, a jurisdiction must include an analysis of zoning that encourages and facilitates a variety of housing types...including emergency shelters and transitional housing.” [Section 5.2, Program 6-D]
- 20 **Zoning for a Variety of Housing Types.** Government Code Section 65583 requires the housing element to shall identify adequate sites for a variety of housing types including multifamily rental housing, factory-built housing, mobile homes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. [Sections 4.3 and 5.2, Programs 3-G, 6-D, 6-F]
- 21 **Second Units.** Government Code Section 65583.1(a) allows a city or county to identify sites for second units based on the number of second units developed in the prior housing element planning period whether or not the units are permitted by right, the need for these units in the community, the resources or incentives available for their development, and any other relevant factors, as determined by the department. [Sections 3.1, 4.4, and 5.2, Programs 1-C, 5-J]
- 22 **Adequate Sites Alternative.** Government Code Section 65583.1 (a) and (c) allows second units and, under prescribed conditions, units that are substantially rehabilitated, converted from market rate to affordable, or where unit affordability is preserved to be counted towards the adequate sites requirement. [Section 4.4]

CONSTRAINTS

- 23 **Land Use Controls.** Government Code Section 65583(a) requires “An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels,...including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures...”. [Section 3.1]

- 24 **Fees and Exactions.** Government Code Section 65583(a) requires “An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels...including...fees and other exactions required of developers, and local processing and permit procedures...”. [Section 3.1]
- 25 **Processing and Permit Procedures.** Government Code Section 65583(a) requires “An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels,...including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures...”. [Section 3.1]
- 26 **Codes and Enforcement and On/Off-Site Improvement Standards.** Government Code Section 65583(a) requires “An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels,...including land-use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures...” [Section 3.1]
- 27 **Housing for Persons with Disabilities.** Government Code Section 65583(a)(4) requires: “an analysis of potential and actual government constraints upon the maintenance, improvement or development of housing... for persons with disabilities as identified in the analysis pursuant to paragraph (4) of subdivision (a), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting ... the need for housing for persons with disabilities (see Screen 7). Government Code Section 65583(c)(3) requires the housing element provide a program to ”address and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing for persons with disabilities. The program shall remove constraints to and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities.” [Section 3.1]
- 28 **Non-Governmental Constraints.** Government Code Section 65583(a)(6) requires “An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, and the cost of construction.” [Section 3.2]

PROGRAMS

- 29 **Program Overview and Quantified Objectives.** Government Code Section 65583(c) requires that “the element shall contain a program which sets forth a five-year schedule of actions the local governments is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available.” Government Code Section 65583(b) requires that “the element shall include a statement of the community’s goals, quantified objectives and policies relative to the maintenance, preservation, improvement and development of housing. [sections 4.5, 5.1, and 5.2]
- 30 **Adequate Sites.** Identify actions that will be taken to make sites available during the planning period of the general plan with appropriate zoning and development standards and with

services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Government Code Section 65583(c)(1)) [Section 5.2, Programs under Goal 2]

- 31 **Assist with Development.** Assist in the development of adequate housing to meet the needs of extremely-low, very-low, low-, and moderate-income households (Government Code Section 65583(c)(2)). [Section 5.2, Programs under Goal 3]
- 32 **Conserve and Improve the Existing Housing Stock.** Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action (Government Code Section 65583.(c)(4)). [Section 5.2, Programs under Goal 1]
- 33 **Preserve Units At-Risk of Conversion to Market Rate Uses.** Preserve for lower-income households the assisted housing developments identified pursuant to paragraph (8) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (8) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance (Government Code Section 65583(c)(6)). [Section 5.2, Program 3-D]
- 34 **Address and Remove or Mitigate Constraints.** Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, or provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities (Government Code Section 65583(c)(3)). [Section 5.2, Programs 2-B, 3-F, 6-D, 6-E, 6-F]
- 35 **Equal Housing Opportunities.** Promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability (Government Code Section 65583(c)(5)). [Section 5.2, Programs under Goal 5]
- 36 **Redevelopment Agency's Low-/Moderate-Income Housing Fund.** Government Code Section 65583(c) requires "A program which sets forth a five-year schedule of actions the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element. The policies, goals, and objectives of the housing element can be addressed through the administration of land use and development controls, provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available and the utilization of moneys in the low- and moderate-income housing fund of an agency, if the locality has established a redevelopment project area pursuant to Community Redevelopment Law (Division 24 commencing with Section 33000 of the Health and Safety Code). [Section 5.2, Program 5-D]

This page intentionally left blank.